



An
Bord
Pleanála

Inspector's Report ABP-317124-23

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	Dundalk Road, Castleblayney, County Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS63
Appellant(s)	JC Developments
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, consist of an irregular shaped site located to the north of the N53/ Dundalk Road to the south east of Castleblayney, Co. Monaghan. The lands are undeveloped and are under extensive vegetation.
- 1.2. To the west of the site is Church Heath, a short cul-de-sac with detached houses on it. Detached houses are located to the south and east of the subject lands.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Castleblayney Town Settlement Envelope, forming part of the Monaghan County Development Plan 2019 – 2025. The site is zoned 'Strategic Residential Reserve' with an objective 'To protect lands that are considered strategic in location for future residential development.'

Under the description the following is stated:

'Principal permitted use is residential. The comprehensive development of these lands will only be permitted in instances whereby 75% of the proposed residential lands have been developed. Any development which would prejudice the principle use of these lands for urban residential expansion in the future will be resisted.

Single houses for landowners or their immediate family members will be considered on these lands provided that they do not compromise the overall objective of comprehensively developing the lands for sustainable urban housing in the future. Justification for a dwelling in this instance will have to be demonstrated by the applicant including documentation to show that the landholding has been in family ownership for at least 5 years. In such cases the applicant will be required to demonstrate by way of an overall plan for the development of the lands, how the proposed development would not adversely affect the comprehensive development of the lands in the future.'

3.0 Planning History

PA Ref. 18368 refers to a February 2019 decision to grant permission for (a) site works to facilitate the proposed development to include excavation and general site

preparation works, (b) Use of existing entrance serving Church Heath along with provision of internal access roads and footpath to facilitate vehicular and pedestrian access, (c) Provision of a residential development over 3 no. phases comprising 35 no. dwellings (d) provision of associated garden areas and in-curtilage works for each dwelling to include boundary fencing and boundary walls as required. (e) Provision of residential communal open space areas to include all hard and soft landscaping works within the site which includes public lighting, public seating, planting and boundary treatments. (f) Associated site works and attenuation systems.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map on the basis that the lands are zoned for Strategic Residential Reserve and can not be developed until 75% of the residentially zoned lands have been developed.
- 4.2. Reference to houses, open space and pumping is for lands to the west of the subject site.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. Suitable services are available to enable the development of this land and the zoning allows for residential development.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The Strategic Residential Reserve does not allow for the development of these lands over the lifetime of the development plan.

- Reference to houses, open space and pumping is for lands to the west of the subject site.

6.2. **Planning Authority Response**

- No further comment.

7.0 **Assessment**

- 7.1. The comments raised in the appeal are noted and the report of the Planning Authority with supporting reports are noted.
- 7.2. The Strategic Residential Reserve zoning does allow for development in the case that 75% of proposed residential lands are developed. I have no information on what percentage of the lands in Castleblayney are developed but the wording of the zoning is such that it does not prevent suitable development over the lifetime of the development plan.

8.0 **Recommendation**

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated lands be included on the maps.

9.0 **Reasons and Considerations**

- 9.1. The appellant requested that their site be removed from the map due to the fact that the lands were incorrectly identified by the Planning Authority, they cannot be developed due to their Strategic Residential Reserve zoning, and due to structures including housing on these lands.
- 9.2. The lands are assessed in accordance with the details provided in the appeal. The zoning of these lands allows for residential development subject to compliance with requirements set out in the Monaghan Development Plan 2019 – 2025, and no reason has been provided as to why they cannot be serviced for such development.

I confirm that the report represents my profession planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Paul O'Brien
Planning Inspector

21st August 2023